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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,263	01/23/2004	Gregory P. Crawford	50106/004001	6174

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Reveo, Inc.  
85 Executive Blvd.  
Elmsford, NY 10523

EXAMINER

RUDE, TIMOTHY L

ART UNIT PAPER NUMBER

2883

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/764,263

Applicant(s)

CRAWFORD ET AL.

Examiner

Timothy L. Rude

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 21-45 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species A, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film having a reflection grating (see claim 21).

Species B, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film having a transmission grating (see claim 21).

Species C, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film and monitoring a change in the reflected light (see claim 21).

Species D, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film and monitoring a change in the transmitted light (see claim 21).

Species E, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film and monitoring a change in the intensity of light (see claim 23).

Species F, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film and monitoring a red shift in the wavelength of light (see claim 31).

Species G, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film and monitoring a blue shift in the wavelength of light (see claim 28).

Species H, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film and applying a force along the long axis of the LC droplet layers (see claim 27).

Species I, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film and applying a force traverse to the long axis of the LC droplet layers (see claim 30).

Species J, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film wherein the LC droplet layers are substantially parallel to the article surface (see claim 36).

Species K, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film wherein the LC droplet layers are substantially perpendicular to the article surface (see claim 37).

Species L, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film wherein the LC droplet layers are at an angle (other than zero or perpendicular) to the article surface (see claim 38). Please consider amending claim 38 if Species L is elected.

Species M, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film and monitoring by visual observation (see claim 39).

Species N, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film and monitoring photodiode observation (see claim 39).

Species O, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film and monitoring by spectrophotometry (see claim 39).

Species P, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film comprising a single grating (see claim 40).

Species Q, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film comprising multiple gratings in a single H-PDLC layer (see claim 42).

Species R, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film comprising multiple H-PDLC layers (see claim 43).

Species S, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film comprising embedded aspected particles (see claim 45).

Species T, drawn to a method for detecting strain in an article comprising steps using a H-PDLC film comprising **no** embedded aspected particles (see claim 45).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from each of A-B, C-D, E-G, H-I, J-L, M-O, P-R, and S-T (8 species total) for

prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Rude whose telephone number is (571) 272-2301. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



tlr

Timothy L Rude  
Examiner  
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